

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
ST. LOUIS DIVISION**

BRIAN COPELAND,)	
)	
Plaintiff,)	
)	
v.)	No. 4:09-cv-00310
)	
KRAMER & FRANK, P.C.,)	
)	
Defendant.)	

PLAINTIFF'S TRIAL BRIEF

NOW COMES the Plaintiff, BRIAN COPELAND, by and through his attorneys, LARRY P. SMITH & ASSOCIATES, LTD., and for his Trial Brief, Plaintiff states as follows:

I. Legal Issues

This matter has been pending before this Honorable Court since February 25, 2009. Since that time, the Defendant has filed a motion to dismiss and a motion for summary judgment. Both motions were comprehensively briefed by the parties and all legal issues and authorities were specifically delineated therein. In its pre-trial brief, Defendant now ostensibly attempts to revisit many issues already determined by this Court. The only remaining legal issues in this case, however, relate to various motions in limine that are yet to be filed by either party.

II. Factual Issues

The jury must decide whether, when viewed utilizing the unsophisticated consumer standard, all of the events that took place between Ms. Milliot and Mr. Copeland at the Circuit Court of Boone County on August 26, 2008, amounts to a violation of the FDCPA. Furthermore, the jury must determine whether Kramer & Frank's alleged violation of the FDCPA was the

result of an unintentional and bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

Respectfully submitted,
BRIAN COPELAND

By: s/ David M. Marco
Attorney for Plaintiff

Dated: June 29, 2010

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Respectfully submitted,
BRIAN COPELAND

By: s/ David M. Marco
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CERTIFICATE OF SERVICE

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I, David M. Marco, an attorney, certify that on **June 29, 2010**, I shall cause to be served a copy of **Plaintiff's Trial Brief**, upon the above named individual(s) by: depositing same in the U.S. Mail box at 205 North Michigan Avenue, 40th Floor, Chicago, IL 60601, prior to 5:00 p.m., postage prepaid; messenger delivery; Federal Express; facsimile transmitted from (888) 418-1277; email; and/or electronically via the Case Management/Electronic Case Filing system ("ECF"), as indicated below.

_____ U.S. Mail
_____ Messenger Delivery
_____ Federal Express/UPS

_____ Facsimile
_____ Email
 x ECF

By: s/ David M. Marco
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